

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DYNAMIC MACHINE WORKS, INC.

Plaintiff,

vs.

Civil Action No. 04-10525-WGY

MACHINE & ELECTRICAL
CONSULTANTS, INC.,

Defendant.

DEFENDANT’S MOTION FOR RECONSIDERATION AND HEARING

Defendant Machine & Electrical Consultants, Inc. (“MECI”) respectfully disagrees that judgment should enter in favor of Plaintiff Dynamic Machine Works, Inc. (Dynamic”) on its breach of contract claim, and moves for reconsideration so that it may be heard on the issue in light of the Supreme Judicial Court’s opinion concerning the question of contract modification as certified by the District Court.

In support of this motion, MECI submits the accompanying Memorandum and Exhibits.

REQUEST FOR ORAL ARGUMENT

MECI respectfully requests oral argument concerning this motion and concerning Dynamic’s Motion for Assessment of Damages.

Respectfully submitted,

MACHINE & ELECTRICAL
CONSULTANTS, INC.

by its attorneys,

/s/ Jeffrey D. Clements

Jeffrey D. Clements, BBO #632544
Clements & Clements LLP
50 Federal Street
Boston, MA 02110
(617) 451-1802

COUNSEL:

Keith R. Jacques
Smith Elliot Smith & Garmey, P.A.
199 Main Street
P.O. Box 1179
Saco, ME 04072

DATED: November 3, 2005

CERTIFICATE PURSUANT TO RULE 7.1(A)(2)

I, Jeffrey D. Clements, hereby certify pursuant to Local Rule 7.1(A)(2), co-counsel Keith R. Jacques conferred with counsel for the plaintiff, and was unable to resolve or narrow the issue.

/s/ Jeffrey D. Clements

CERTIFICATE OF SERVICE

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served by electronic filing to counsel of record for the plaintiff on November 3, 2005

/s/ Jeffrey D. Clements
